

REMARKS

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

This amendment is in response to the Office action mailed April 14, 2003, in which claims 3-14, 16-21 and 31-37 were rejected, claims 1, 2 and 22-30 were allowed, and claim 15 was objected to. The action was made FINAL.

This amendment amends claims 3, 5-8, 31 and 35-37 in such a manner as to overcome the rejections given by the Examiner in the Office action mailed April 14, 2003, and thereby now places all of claims 3-14, 16-21 and 31-37, which were rejected, in allowable form.

More specifically, in the Office action of April 14, 2003, claims 3, 4, 6, 11-14 and 19-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Boatman (U.S. 3,988,845). In explaining Boatman, the Examiner pointed to part 28 therein as corresponding to the claimed "rail for preventing accidental falls of people from the seating deck structure" (independent claim 3 at part b.). Of course, the part 28 in Boatman clearly is not a "rail" and certainly does not operate or function to prevent people from falling or to protect people in any manner whatsoever. The part 28 in boatman is a mere carrying handle for carrying the small, portable, briefcase-like sign device which is the subject matter of the Boatman patent. Nevertheless, in order to eliminate any possible chance of the Boatman handle 28 being construed as responding to the claimed rail, independent claim 3 has been amended by substituting means plus function language for the previously used term "rail". This has the effect of requiring the structure embraced by the expression "means" to necessarily function "for preventing accidental falls of people from the seating deck structure", as claimed. Therefore, claim 3 and its dependent claims 4, 6, 11-14 and 19-21 clearly are not anticipated by Boatman. Nothing

in Boatman is equivalent to or satisfies the language now present in part b. of claim 3. Hence, claim 3 and all of claims 4-21 dependent thereon distinguish over Boatman.

Further in the Office action of April 14, 2003, claims 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boatman in view of Pick et al. (U.S. 2,867,306); claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boatman in view of Bauer (sic, Baur) et al. (U.S. 5,259,089); and claims 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boatman in view of Tucker (U.S. 6,314,669). All of these rejections rely on Boatman as the primary reference. As explained above, claim 3 upon which all of these claims 5, 7, 8-10 and 16-18 depend has been amended to define over Boatman, and the secondary references Pick et al., Bauer (sic, Baur) et al., and Tucker do not add anything to change this fact. Consequently, all these claims are now rendered allowable by the amendment to claim 3.

Also in the Office action dated April 14, 2003, claims 31 and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Tucker (U.S. 6,314,669) and claims 32-34, 36 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker. In both of these rejections the top panel 20 of Tucker was held by the Examiner to be "angled" within the broadest interpretation of that term.

To clearly distinguish from Tucker, independent claim 31 has been amended to more precisely define the angled top panel so that now the top panel 20 of Tucker clearly cannot be deemed to satisfy the language of the claim. Claim 31, thus, is now allowable; and claims 32-37, dependent thereon, are allowable as well.

The allowance of claims 1, 2 and 22-30 is noted with appreciation. For the foregoing reasons, claims 3-21 and 31-37 are now viewed to be allowable also.

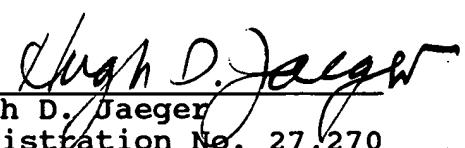
If ther are any further issues yet to be resolved to advance the prosecution of this patent application to issue, the Examiner is requested to telephone the undersigned counsel.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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By


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